

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION

CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation
(Substantively Consolidated)

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and Bernard L. Madoff,

Plaintiff,

v.

SOCIETE GENERALE PRIVATE BANKING
(SUISSE) S.A. (f/k/a SG Private Banking
Suisse S.A.); et al.,

Defendants.

Adv. Pro. No. 12-01677 (BRL)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, upon Defendants OFI MGA Alpha Palmares, Oval Palmares Europlus and UMR Select Alternatif (collectively, the “OFI Funds”) Memorandum of Law in Support of the Motion of the OFI Funds to Dismiss the Complaint, the accompanying Declarations of Herve Lecuyer, dated February 21, 2022, and the exhibits thereto, and Jean-Pierre Grimaud, dated February 23, 2022, and the

exhibits thereto, the Complaint, dated May 30, 2012, in the above-captioned adversary proceeding, and all prior pleadings and proceedings herein, Defendants the OFI Funds move this court on August 10, 2022 at 10 a.m. for an order dismissing the Complaint filed by Plaintiff Irving H. Picard, Trustee (the "Trustee") for the Liquidation of Barnard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Barnard L. Madoff, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), as made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order in this proceeding entered April 19, 2022, the Trustee shall respond to this motion by June 28, 2022 and the OFI Funds shall file their reply by July 28, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the OFI Funds do not consent to the entry of final orders or judgment by this Court.

PLEASE TAKE FURTHER NOTICE that, the OFI Funds hereby provide notice pursuant to Rule 44.1 of the Federal Rules of Civil Procedure, that in support of their Motion to Dismiss the Complaint, the OFI Funds intend to raise an issue about a foreign country's law. More particularly, the OFI Funds have raised an issue as to the legal existence and the capacity to be sued of the OFI Funds under the laws of France.

Dated: April 29, 2022

BOND, SCHOENECK & KING, PLLC

By: /s/ Brian J. Butler
Brian J. Butler, Esq.
Sara C. Temes, Esq.
One Lincoln Center
Syracuse, New York 13202
Tel: (315) 218-8000
Fax: (315) 218-8100
Email: bbutler@bsk.com
stemes@bsk.com

*Counsel for Defendants OFI MGA Alpha
Palmares, Oval Palmares Europlus and UMR
Select Alternatif*

TO: All Counsel of Record via ECF